



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 6793-99  
23 November 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CAPT [REDACTED] USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 26 Oct 99 w/attachment  
(2) Memo for record dtd 22 Nov 99

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of captain he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1997 Reserve Captain Selection Board, vice the FY 1998 Captain Selection Board. He specifically requested a date of rank and effective date of 1 December 1996.

2. The Board, consisting of Messrs. Cali and Kastner and Ms. Newman, reviewed Petitioner's allegations of error and injustice on 23 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as Tab A to enclosure (1), the Headquarters Marine Corps (HQMC) Officer Promotion Section (MMPR-1), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

c. As documented in the memorandum for the record at enclosure (2), a member of the Board's staff communicated with HQMC MMPR-1 and confirmed that Petitioner's request warranted approval.

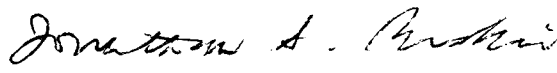
## CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of Tab A to enclosure (1) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

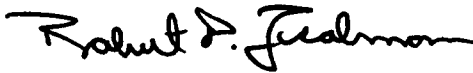
## RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of captain as 1 December 1996; and that his lineal precedence be adjusted accordingly.
  - b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
  - c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
For W. DEAN PFEIFFER  
Executive Director

6793-99



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1000

22 Oct 99

From: Head, Officer Promotion Section

To: Captain [REDACTED] USMCR

Subj: DATE OF RANK DETERMINATION

1. Per your request, we have determined that an error was made in assigning your lineal precedence. Because of this error, you were erroneously deleted from the FY97 USMC Captain Selection Board that convened on 13 March 1996. (Reserve BB)

2. This is a brief account that lead up to your erroneous deletion from the FY97 USMC Captain Selection Board: (Reserve BB)

- a. PEBD 920326
- b. AFADBD 920607
- c. DOR1COM 920814 (2nd Lt.'s initial precedence given)
- d. Promoted (1st Lt. DOR 940814)
- e. Completed Law School in 1995
- f. FY96 USMC Captain Selection Board not eligible
- g. Attended TBS 199606. Upon completion of TBS, given incorrect precedence number. (Reserve BB)
- h. FY97 USMC Captain Selection Board, erroneously deleted from board because of incorrect precedence number. (Reserve BB)
- i. FY98 USMC Captain Selection Board, selected for Capt with incorrect precedence number.
- j. Promoted to Captain on 970709.

3. Would you have been selected on the FY97 USMC Captain Selection Board, you date of rank would have been 1 December 1996. In order to correct your date of rank, you will have to petition the Board For Corrections Of Naval Records to have them correct your record and have your date of rank back dated to FY97 USMC Captain Selection Board date of rank. (Reserve BB)

[REDACTED]

**MEMORANDUM FOR THE RECORD**  
**DEPARTMENT OF THE NAVY**  
**BOARD FOR CORRECTION OF NAVAL RECORDS**  
**PERFORMANCE SECTION**  
**2 NAVY ANNEX, STE. 2432**  
**WASHINGTON, DC 20370-5100**  
**COMM: (703) 614-9842 OR DSN: 224-9842**  
**FAX: (703) 614-9857 OR 224-9857**

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DATE: 22NOV99

DOCKET NO: [REDACTED]

PETITIONER (PET): [REDACTED], USMCR

PARTY CALLED: [REDACTED] USMC, HQMC MMPR-2

TELEPHONE NO: (703) 784-9707

WHAT I SAID: I ASKED WHETHER OR NOT PET WAS ELIGIBLE FOR THE FY-97 USMCR CAPT SEL BD, WHICH CONVENED ON 21MAY96, AND IF HE WAS, WHAT DOR AND EFF DATE HE SHOULD HAVE RECEIVED FOR HIS PROM TO CAPT. WHAT PARTY SAID: [REDACTED] INFORMED ME THAT PET WAS ELIGIBLE FOR THE FY-97 USMCR CAPT SEL BD, AND IF HE HAD BEEN SELECTED, HE WOULD HAVE RECEIVED A DOR AND EFF DATE OF 1DEC97. PET'S CURRENT DOR AND EFF DATE AS A CAPT IS 9JUL97.

[REDACTED]